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MINISTRY OF COMMERCE AND INDUSTRY

NOTIFICATION

TRADE AND MERCHANDISE MARKS

New Delhi, the 16th February 1962

S.O. 519.—The following draft of a notification which the Central Government proposes to issue in exercise of the powers conferred by sub-sections (1) and (3) of section 117 of the Trade and Merchandise Marks Act, 1958 (43 of 1958) and a supersession of the notification of the Government of India in the Ministry of Commerce and Industry No. S.O. 3093, dated the 23rd December, 1960, is hereby published as required by sub-section (4) of the said section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 5th March, 1962.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

DRAFT NOTIFICATION

Indications of origin of goods

1. Requirements in respect of goods imported from abroad specified in column (2) of Part I of the Schedule.—(1) Subject to the provisions of sub-section (5) of section 117 of the Trade and Merchandise Marks Act, 1958, the classes of goods specified in column (2) of Part I of the Schedule hereto annexed shall, on importation into and at the time of sale in India, whether by wholesale or retail or both, have applied to them in the manner specified in the corresponding entry in column (3) of Part I of the said Schedule,

- (a) where such goods are made or manufactured or produced beyond the limits of India, an indication of the country or place in which, the goods are made or manufactured or produced or of the name and address of the manufacturer, or
- (b) where such goods are made or manufactured or produced by one person for another who are both beyond the limits of India, either an indication as specified in clause (a) above or of the name and address of the person for whom the goods are made or manufactured or produced.

(2) Where such goods are made or manufactured or produced in one foreign country and are contained in packages made or manufactured or produced in another, the indication shall specify both countries.

(3) Where such goods are partly made or manufactured or produced in one foreign country and partly made or manufactured or produced or finished or processed or embellished or completed in another country or other countries, or where the goods are made of indistinguishable parts or constituents made in two or more different foreign countries, the indication shall be expressed as, 'Manufacture of different countries outside India', or 'Produce of different countries outside India', or 'Made abroad', or 'Foreign made'

(4) Where the name of the place in the indication is identical with, or deceptively similar to, the name of a place in India or if the name is the name of a place in more than one country, such name shall be accompanied in equally large and conspicuous letters and in the English language by the name of the country in which the place is situated.

(5) The above provisions shall be without prejudice to the requirements of counter indication of country of origin, etc. required by or under section 18(e) of the Sea Customs Act, 1878 (8 of 1878).

2. Requirements in respect of goods produced in India or imported but packed or otherwise processed in India or assembled in India with wholly or partly foreign parts and falling within column (2) of Part II of the Schedule.—(1) The classes of goods specified in column (2) of Part II of the Schedule hereto annexed shall, at the time of sale in India, whether by wholesale or retail or both, have applied to them an indication that such goods are made or manufactured or produced in India or at any place in India, or an indication of the name and address of the manufacturer or of the person for whom the goods were made or manufactured or produced, in the manner specified in the corresponding entry in column (3) of Part II of the said Schedule.

(2) Where such goods are made or manufactured or produced in India solely from foreign ingredients or partly from foreign ingredients and partly from indigenous ingredients, the indication of the country of origin to be applied to the goods shall be "Made in India."

Explanation.—The expression "made or manufactured or produced in India" shall not include mere packing, embellishing, mixing, bottling, labelling or otherwise processing of the imported goods which involves no substantial technical skill or change in the character or nature of the product.

(3) Where such goods are made or manufactured or produced in a foreign country but are packed, embellished, bottled or labelled in India, or where such goods are sold in containers or coverings made in India, both the country or place of origin of the goods, or, in the alternative, the words 'made abroad' and the words 'packed in India' or 'Containers or coverings made in India' as the case may be, shall be indicated; provided that the use of the words 'containers or coverings made in India' shall be presumed to be an indication that the goods were 'packed in India' unless an express contrary indication appears.

(4) Where such goods are processed in India from different foreign ingredients or partly from foreign and partly from indigenous ingredients, the indication shall be expressed as "Processed in India":

Provided that in the case of drugs, medicines and pharmaceutical products of all kinds where 95 per cent or more of the main or essential ingredients are Indian and the foreign ingredient is not a potent or therapeutically active ingredient, the indication shall be "Made in India."

(5) Where such goods are assembled in India with wholly foreign parts or partly with foreign parts and partly with indigenous parts, the indication of the country of origin to be applied to the goods shall be "Assembled in India":

Provided that in the case of machinery where the foreign parts form a minor or an insignificant portion of the goods (being less than 20 per cent in value), the indication shall be "Made in India".

3. General provisions in respect of goods falling within column (2) of both Part I and Part II of the Schedule.—(1) The indication of the country or place or the name and address referred to in paragraphs 1 and 2 shall be shown in large and conspicuous letters. The minimum size of the lettering of such indication of the country or place of origin or the name and address shall be not less than two millimetres in height or less than one fourth of the size of the largest letter appearing in the name, word, or trade description applied to the goods, whichever is larger:

Provided that the minimum size of the lettering of such indication shall be—

- (i) in the case of drugs, medicines and pharmaceutical products or cosmetics and toilet preparations, not less than two millimetres in height or less than the largest letter used in the display of the name of the manufacturer appearing at any place in the label, whichever is smaller;

- (ii) in the case of cigarettes, not less than two millimetres in height;
- (iii) in the case of chemicals in drums and other containers—
 - (a) of size upto 2 litres, not less than 2 millimetres in height,
 - (b) of size from 2 litres to 8 litres, not less than 4 millimetres in height,
 - (c) of size from 8 litres to 50 litres, not less than 10 millimetres in height, and
 - (d) of size above 50 litres, not less than 20 millimetres in height; and
- (iv) in the case of wood and timber in logs or pieces or plants or scantlings, not less than 20 millimetres in height.

(2) The indication shall, in cases where any name, word or trade description applied to the goods or the packages thereof is in English or in any language other than an Indian language, be in the English language; and where such name, word or trade description is in an Indian language or languages with or without English, the indication shall be either in the English language or in each one of the languages and in the same characters in which such name, word or trade description appears.

(3) The indication shall be on the same label or part of the covering or goods, as the case may be, to which the name, word or trade description is applied and shall be reasonably near such name, word or trade description. Where the name, word or trade description appears at more than one place on the label, the indication shall be at least in two places. Where a trade description, which is likely to indicate foreign origin or the foreign address of the manufacturer, is applied on the goods made in India or on the packages of such goods, the indication shall accompany, and be adjacent to, or reasonably near, such application. The indication shall not be in a separate label nor shall it be otherwise detachable from the application of the name, word or trade description itself and it shall be applied no less indelibly than the name, word or trade description.

4. Goods on which marking is impossible or would adversely affect their quality.—Where due to the smallness of the goods or other cause, it is impracticable to mark on the goods themselves an indication of the country or place of origin or where it is not possible to do so without adversely affecting the quality of the goods or without undue expenditure, the indication may be applied on the package attached to such goods.

5. Exemptions.—The following classes of goods are exempted from the operation of this notification:

- (a) materials imported by the railways and marked with the name of the railway;
- (b) samples or patterns readily distinguishable as such and valueless in themselves;
- (c) articles made and imported from abroad and intended by the foreign manufacturer for free distribution for advertising purposes;
- (d) goods imported for the personal use of individuals or members of unincorporated associations and not for trade purposes;
- (e) goods made or produced beyond the limits of India and imported into India, not for trade purposes other than for re-export; and
- (f) goods of all kinds made or manufactured or produced in India solely for export.

6. Interpretation.—In this notification,—

- (a) "package" shall have the same meaning as defined in section 2(1)(1) of the Trade and Merchandise Marks Act, 1958;
- (b) "label" includes any ticket, band, card or tag;
- (c) "applied" includes attached, enclosed, annexed, inserted, secured, fastened, stitched, sewn, woven or stamped, and 'application' shall be construed accordingly.

7. **Commencement.**—This notification shall come into force on and from the 1st July, 1962.

SCHEDULE

PART I

Goods made or manufactured or produced beyond the limits of India and imported into India

Item No.	Class of goods	Manner in which the indication shall be applied*
(1)	(2)	(3)
1	Apparatuses and appliances, electric and all kinds assembled.	On the goods themselves.
2	Ball and roller bearings being machinery of all kinds and also as parts of motor vehicles.	On the goods themselves or on the packages.
3	Chemicals including dyes and dyestuffs, drugs, medicines and pharmaceutical products of all kinds.	On the packages.
4	Cigarettes	Do.
5	Electrical wiring accessories	On the goods themselves or on the packages.
6	(a) Electric cells and batteries of all kinds including primary batteries for dry cells, flash lamps, torch type, motor car batteries.	On the goods themselves.
	(b) Plates for motor vehicle batteries	On the packages.
7	Fents	On the bundles or packages.
8	Glass bulbs and gloves including electric incandescent bulbs.	On the goods themselves.
9	Iron ingots	On the goods themselves.
10	Lanterns and lamps of all kinds including electric torches and flashlights and automobile lamps.	Do.
11	Machinery of all kinds assembled	On the goods themselves.
12	Manufactures of wood	On the goods themselves or on the packages.
13	Paints and Plastics including Polythene compositions.	On the goods themselves or on the packages.
14	Parts, spare parts and accessories of apparatuses and appliances, electric and all kinds.	On the goods themselves or on the packages.
15	Parts, spare parts and accessories of machinery of all kinds other than ball and roller bearings being parts of machinery and equipment of all kinds and also as parts of motor vehicles.	On the goods themselves or on the packages.
16	Piecegoods of cotton, silk, artificial silk, staple fibre yarn and wool including mixture piecegoods, <i>i.e.</i> , piecegoods made out of different kinds of yarns, or piecegoods made out of yarns spun out of mixture of different kinds of textile fibre.	On the goods themselves.
17	Safety fuses	On the goods themselves or on the packages.

(1)	(2)	(3)
18	Sewing machines	On the goods themselves or on the packages.
19	Spirits, Wines and Liquors	On the labels of the bottles and on the packages.
20	Stationery goods, all kinds	On the goods themselves or on the packages.
21	Tiles of all kinds	On the goods themselves.
22	Toilet preparations of all kinds, including soaps and cosmetics.	On the packages.
23	Wood and timber in logs	On the goods themselves.
24	Wood and timber in pieces, planks or scantlings	On the goods themselves or on the bundles or packages.
25	Yarns of cotton, silk, artificial silk, staple fibres and wool including yarn spun out of mixture with one or more kinds of textile fibres, as well as yarns consisting of strands of different kinds of yarn combined by the process of doubling or twisting.	On the bundles.
26	All other imported goods which bear or purport to bear :— (a) any name, or word or trade description; or (b) any device, such as representations of Indian deities or emblems, which is likely to cause it to be believed that the goods are made or manufactured or produced in India.	On the goods themselves or on the packages.

PART II

Goods made or manufactured or produced within the limits of India or imported but packed or otherwise processed or assembled in India

Item No.	Class of goods	Manner in which the indication shall be applied*.
(1)	(2)	(3)
1	Abrasives coated	On the goods themselves.
2	Ball and roller bearings being machinery of all kinds and also as parts of motor vehicles.	On the goods themselves or on the packages.
3	(a) Batteries of all kinds, primary and secondary such as dry cells for flash lights, radios, etc., and storage batteries of the motor vehicle, train lighting and stationary types. (b) Plates for motor vehicle batteries	On the goods themselves. On the packages.
4	Belting	On the goods themselves or on the packages.
5	Blowers (Industrial)	Do.
6	Boilers	Do.

*Wherever the indication is required on the packages such indication need not be on the capsules, caps, lids, stoppers or corks.

(1)	(2)	(3)
7	Bolts, nuts and rivets	On the goods themselves or on the packages.
8	B. R. C. and other fabrics	On the bundles or packages.
9	Chemicals including dyes and dyestuffs, drugs, medicines and pharmaceutical products of all kinds.	On the packages.
10	Cigarettes	On the packages.
11	Piecegoods of cotton, silk, artificial silk, staple, fibre yarn and wool including mixture piecegoods, i. e. piecegoods made out of different kinds of yarns, or piece goods made out of yarns spun out of mixture of different kinds of textile fibre, excepting handloom cloth.	On the goods themselves.
12	Cutlery articles, metallic	Do.
13	Cycles complete	On the frames, forks and mudguards
14	Cycles, major component parts of, such as, Front Forks, Mudguards, handle bars, brakes, chain wheels and cranks, pedals, Freewheels, Hubs, Rims, Lamp brackets, chain adjusters, Reflectors, Hub Axle, Central axle.	On the goods themselves.
15	Cycles, small component parts of, not covered by item 14.	On the packages.
16	Duplicators	On the goods themselves.
17	Electric brass lamps holders	On the lamps holders and cartons.
18	Electrical equipment	On the goods themselves.
19	Fountain pens	On the goods themselves.
20	Gate hooks and eyes	On the packages.
21	Gramophone needles	On the packages.
22	Grinding Media	On the packages.
23	Grinding stones	On the label pasted.
24	Grinding wheels	On the goods themselves or on the packages.
25	Hurricane Lanterns	On the goods themselves.
26	Inks of all kinds, including fountain pen ink .	On the bottles and paper cartons.
27	Oil pressure lamps mantles	On the packages.
28	Oil Pressure lamps	On the goods themselves.
29	Paints and Plastics including Polythene compositions.	On the goods themselves or on the packages.
30	Parts, spare parts and accessories of all internal combustion engine.	On the goods themselves or on the packages.
31	Parts, spare parts and accessories of machinery of all kinds other than ball and roller bearings being parts of machinery and equipment of all kinds and also as parts of motor vehicles.	On the goods themselves or on the packages.
32	Parts, spare parts and accessories of motor vehicles other than ball and roller bearings being parts of motor vehicles.	On the goods themselves.
33	Pressure stoves	On the goods themselves.
34	Prophylactics (Rubbers)	On the packages.
35	Pumps	On the goods themselves.
36	Razor blades	Do.
37	Rubber manufacture	Do.
38	Safety fuses	On the goods themselves or on the packages.

(1)	(2)	(3)
39	Safety pins	On the packages.
40	Sealfast seal	On the goods themselves.
41	Sewing machines	On the goods themselves or on the packages.
42	Spirits, Wines and Liquors	On the labels of the bottles and packages.
43	Spilt cotter pin and taper cotter pin	On the packages.
44	Sports goods of all kinds	On the goods themselves.
45	Steel files	Do.
46	*Steel drums and barrels	Do.
47	Tennis balls	On the packages.
48	Toilet preparations of all kinds, including soaps and cosmetics.	Do.
49	Tools (garage equipment)	On the goods themselves.
50	Tooth brushes	Do.
51	Trailors	Do.
52	Welding Electrodes	On the packages or otherwise.
53	Woodscrews and machine screws	On the goods themselves or on the packages.
54	Yarns of cotton, silk, artificial silk, staples fibres and wool, including yarn spun out of mixture with one or more kinds of textile fibres, as well as yarn consisting of strands of different kinds of yarn combined by the process of doubling or twisting	On bundles.
55	Zip Fastners	On the goods themselves.

*The indication to be applied on goods falling within the Item 46 shall be "Container made in India."

[No. 4(2)-TMP/62.]

K. V. VENKATACHALAM, Jt. Secy.

